

NAYS—Messrs. Chambers, Duggan, Grimes, Guinn, Herbert, Hart, Potter, Quinan and Sims—9.

Mr. Fall, chairman on Engrossed Bills, reported the following bills correctly engrossed :

A Bill to amend the sixth and seventh sections of an act entitled an act regulating sequestrations, approved March 15th, 1848.

A bill to amend the fourth section of an act of May 12th, 1846, entitled an act to regulate the license and practice of Attorneys and Counsellors at law.

A bill for the relief of Joseph Turner.

Mr. Hyde introduced the following bills :

A bill amendatory of an act concerning irrigable property.

A bill authorizing the holding of special terms of the District court of the Eleventh Judicial District for the trial of criminal cases : which was read 1st and 2nd times and severally referred to the committee on the Judiciary.

On motion of Mr. Herbert, the Senate adjourned until 10 o'clock A. M., to-morrow.

THURSDAY, December 1st, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Throckmorton presented the petition of sundry citizens of Dallas county, in relation to a Bridge across Trinity River. Referred to the committee on Roads, Bridges and Ferries.

Mr. Harman presented the petition of C. Dillingham for land. Referred to the committee on Private Land Claims.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, to whom was referred the petition of Ignacio Perez, have considered it. The committee find by the certificate of Lieutenant Col. Seguin, that he as commanding officer of the 1st regiment of permanent cavalry of the army of Texas, by order of President Houston, took from the stock of James Perez, 256 beeves and forwarded them to the Texas army on the 10th of March, 1837. And by a certificate of the same officer dated same day, he states that the garrison at San Antonio under his command, used 133 beeves out of the stock of Ignacio Perez, making in all 389 beeves. The certificates of Col. Seguin, were sustained by the affidavits of two good

Mexicans, stating under oath that the beeves were taken and used by the army, and that the certificates were genuine, they also proved that the beeves were worth \$8 00 a head at that time. The Comptroller's certificate shows that if the claim had been recdited for by a Quarter Master or company Officer, that the claim would have been Audited by that Board. The committee have instructed me to report the facts to the Senate, and the accompanying bill without expressing an opinion as to the policy of passing the bill. Bill read 1st time.

The committee on Claims and Accounts, to whom was referred the claim of William Oldham, have maturely considered the same, and I am requested by the committee to report the petition back to the Senate, and that the relief prayed for in said petition be not granted, for the same reasons contained in the report of the committee on Claims and Accounts at the last session, to be found on pages 82 and 83 of the journals of the Senate. The present committee unanimously concur in the report made at the last session, to which reference is just made.

Mr. Paschal, chairman of the Joint Committee, to whom was referred the resolution originating in the Senate, instructing your committee to enquire into the expediency of granting further time to the colonists of Castro's colony, to perfect their titles and to report by bill or otherwise, made the following report :

The committee have duly considered the same, and have instructed me to report the accompanying bill, and recommend its passage.

The facts that have induced the committee to recommend the passage of the bill are these: Henry Castro entered into a contract with the Republic of Texas, to introduce and colonize in the country a certain number of families, who were to receive a headright of 640 acres for every head of a family, and 320 acres for each single man, and the Empresario was to receive the usual premium lands. On the 22nd of January, 1850, an act of the Legislature was passed to perfect the titles in this colony. By virtue of this act the Empresario proceeded to make proofs of the number of colonists introduced, to wit :

Heads of families and single men, equivalent to 600 families. The registry of these colonists is to be found in the State Department, and the General Land Office. Within the time allowed by law many of the colonists came forward, made the required proof and received their Headrights. The Empresario also received the premium sections to which he was entitled, by an act of the Legislature passed February 10th, 1854, the time for the colonists to make proof of their claims was extended to 1st

March, 1855, and Trowbridge Ward was appointed commissioner to receive the proofs and to issue certificates. Some five months before the expiration of the time he abandoned the country and thus prevented the colonists from proving up their claims. The object of the present bill is to extend to these colonists the five months time which was then lost by reason of the commissioner having abandoned the country. This seems to the committee to be just. The bill also provides that the Empresario shall have one month in which to make proof of the colonists introduced by him, who fail to appear in person to claim their lands. This is that he may receive the portion of this land to which he may be entitled by virtue of contracts with the colonists, in accordance with the original contract with the Government. It is also necessary, to make a final settlement for all claims to land in the colony. The bill is properly guarded to protect the rights of the State. No proof can be made of the introduction of any colonist whose name does not appear in the register in the office of the Secretary of State, and for which the Empresario has already received premium lands. No certificate can be issued to the Empresario, upon his contract with the colonists until the time has expired for the colonists to appear, and then only upon full proof that the colonists were introduced by the Empresario, and satisfactory proof that the Empresario actually had a contract with the colonists for one-half his land. The bill also provides that in case the colonist does not appear, the other half shall be forfeited to the State. The parties are restricted to the limits of the colony for the selection of their lands, and when we reflect that all but the refuse lands of this colony, have been surveyed, it is believed from the foregoing that the State is in no danger from frauds, and that very little will be lost in value to the State to finally settle this evident claim of justice.

A bill to perfect Land Claims of colonists in Castro's colony and for the final settlement of all classes of claims for said colony. Read 1st time.

Mr. Throckmorton, from the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill originating in the committee for the creation of the 20th judicial district, together with a substitute for the same, have again considered the subject.

The committee can see no reason why the bill as previously reported should not be passed. The undersigned has been instructed to report the bill back to the Senate, and to recommend its passage.

Mr. Potter, chairman of the committee on the Judiciary, reported a bill to amend the 6th section of an act entitled an act to incorporate the town of Henderson in Rusk county, approved February 12th, 1852, back to the Senate, and recommended its passage.

On motion of Mr. Parsons, the bill was taken up; read 2nd time and ordered to be engrossed. Rule suspended, read 3rd time and passed.

Mr. Duggan introduced a bill to punish an attempt to commit burglary. Read 1st and 2nd times and referred to committee on the Judiciary.

A message was received from the House, that the House had passed a bill, granting 320 acres of land each to George Eberley Henry, Mary Eliza Henry and Julia Pierce Henry.

Mr. Britton introduced a bill to set aside 25 leagues of land for an Agricultural College. Read 1st and 2nd times and referred to committee on Education.

Mr. Throckmorton introduced a bill for the relief of Ingram Mudgett. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Martin introduced a bill to encourage the boring of Artesian Wells, in the counties of Hill, Navarro, Freestone and Limestone. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Pitts introduced a bill to incorporate the Sabine and Neches River Insurance Company. Read 1st and 2nd times and referred to committee on the Judiciary.

Mr. Martin introduced a bill authorizing and requiring the County courts of the several counties in this State, to lay off their respective counties into Commissioners districts, and to provide for the election of County Commissioners therein. Read 1st and 2nd times and referred to committee on the Judiciary.

Mr. Fall, chairman of the committee on Engrossed Bills, reported correctly engrossed, a bill to incorporate the At-line Railroad Company.

Mr. Lott moved to reconsider the vote which ordered the engrossment of the bill on yesterday. Lost.

On motion of Mr. Guinn, a Joint Resolution from the House for the relief of four clerks in the Comptroller's office was taken up, read 1st time; on motion rule suspended, read 2nd time and passed to a 3rd reading. Rule further suspended, bill read 3rd time and passed.

#### ORDERS OF THE DAY.

A bill to amend the 5th, 8th and 9th sections of an act to au-

thorize the sale of the public domain, being the special order.

Mr. Throckmorton offered the following amendment :

SEC. 2. That all alternate railroad sections of land, or fractional sections or fractions of land, either within or without railroad reservations, be and the same are hereby permitted to be taken up under the provisions of this act at the price of 75 cents per acre ; provided that where such sections or fractional sections of land have been surveyed, the parties taking up the same shall not be required to resurvey the same, but shall be required to designate with the surveyor of the land district in which such land is situated, a description of the same, which shall be forwarded to the General Land Office, and patent shall issue upon the survey made by the Railroad Company, making such survey after payment of 75 cents per acre for such land ; and provided where an unsurveyed fraction of land is taken up, then the party shall make a survey as in other cases.

Mr. Potter moved to strike out "75" and insert \$1 25.

Mr. Throckmorton moved to refer the bill and amendments to the committee on Public Lands, which motion was lost by the following vote :

YEAS—Messrs. Britton, Chambers, Erath, Grimes, Harman, Parsons, Pitts, Scarborough, Schleicher, Throckmorton, Walker and Whaley—12

NAYS—Messrs. Dickinson, Duggan, Fall, Gentry, Guinn, Hart, Herbert, Lott, Martin, Paschal, Potter, Quinan, Rains, Rainey, Shepard, Sims, Stockdale, Townes and Wallace—19.

The question recurring upon the adoption of Mr. Potter's amendment. Mr. Throckmorton called for a division of the question.

On motion of Mr. Hart, the amendments were laid on the table by the following vote :

YEAS—Messrs. Chambers, Dickinson, Duggan, Fall, Grimes, Guinn, Harman, Hart, Herbert, Martin, Paschal, Quinan, Rains, Scarborough, Schleicher, Shepard, Sims, Townes and Wallace—19.

NAYS—Messrs. Britton, Erath, Gentry, Hyde, Lott, Parsons, Pitts, Potter, Rainey, Stockdale, Throckmorton, Walker and Whaley—13.

Mr. Potter moved to amend the bill by striking out 50 cents and inserting \$1 00, and allowing two years, time to pay for the same.

Mr. Rainey moved to allow five years.

Mr. Hart moved to lay the amendment on the table, which was carried by the following vote :

YEAS—Messrs. Chambers, Dickinson, Erath, Fall, Grimes, Harman, Hart, Herbert, Lott, Martin, Parsons, Pitts, Rains, Rainey, Scarborough, Sims, Throckmorton, Walker, Wallace and Whaley—20.

NAYS—Messrs. Britton, Duggan, Gentry, Guinn, Hyde, Paschal, Potter, Quinan, Schleicher, Shepard, Stockdale, Townes and Wigfall—13.

Mr. Paschal moved to lay the bill on the table, upon which the yeas and nays were called and stood as follows:

YEAS—Messrs. Duggan, Gentry, Grimes, Herbert, Hyde, Paschal, Pitts, Potter, Quinan, Rains, Schleicher, Shepard Stockdale and Wigfall—14.

NAYS—Messrs. Britton, Chambers, Dickinson, Erath, Fall, Guinn, Harman, Hart, Lott, Martin, Parsons, Rainey, Scarborough, Sims, Throckmorton, Townes, Walker, Wallace and Whaley—19.

So the motion was lost.

Mr. Throckmorton offered the following amendment:

“That the alternate sections of land belonging to the State, within the Memphis and El Paso and Pacific Railroad reservation, may be entered at \$1 25 cents per acre.”

Mr. Quinan offered the following amendment:

SEC. That all sums of money received under the provisions of this act from pre-emption settlers, in payment of their lands, shall be paid to the Treasurer of the counties in which the pre-emptions are made and constitute a fund for the protection of the frontier, and the pay of minute men or otherwise to be disbursed in such manner as may be prescribed by law.

SEC. That payments shall be made by pre-emption settlers for the lands settled by them in equal annual instalments of one, two and three years from the date of the filing of their pre-emption claims.

On motion of Mr. Potter, the bill and amendments were referred to the committee on Public Lands by the following vote:

YEAS—Messrs. Britton, Chambers, Duggan, Erath, Gentry, Grimes, Guinn, Harman, Herbert, Paschal, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Stockdale, Townes, Walker, Whaley and Wigfall—21.

NAYS—Messrs. Dickinson, Fall, Hart, Hyde, Lott, Martin, Parsons, Pitts, Rainey, Sims, Throckmorton and Wallace—17.

On motion of Mr. Guinn, Mr. Hyde was added to the committee on apportionment.

A bill to incorporate the Air-line Railroad Company. On

motion of Mr. Quinan, was made the special order for Tuesday the 6th December, inst.

A bill for the relief of Ephraim McLean. Read 2nd time, and on motion of Mr. Quinan, laid on the table.

The following bills were severally read 3rd time and passed:

A bill to amend the 6th and 7th sections of an act entitled an act regulating sequestrations, approved March 15th, 1848.

A bill to amend the 4th section of the act of May 12th, 1846, entitled an act to regulate the license and practice of Attorneys and Counsellors at law.

Report of the Judiciary committee, on a bill for the relief of the heirs of A. D. Duncan, offering a substitute. Read, substitute adopted and ordered to be engrossed.

Reports of majority and minority of the committee on Private Land Claims, on the petition of the heirs of John Grogan, presenting a bill for their relief. Bill read 2nd time.

Mr. Guinn moved to strike out "1920 acres" and insert "960 acres." Lost.

Mr. Guinn moved to strike out the headright certificate for "one-third of a league" upon which the yeas and nays were called and stood as follows:

YEAS—Messrs. Guinn, Harman, Hart, Lott, Rainey, Sims and Walker—7.

NAYS—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Herbert, Hyde, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Scarborough, Schleicher, Stockdale, Throckmorton, Townes, Wallace and Whaley—24.

The bill was then ordered to be engrossed.

On motion of Mr. Martin, the Senate adjourned until 10 o'clock, A. M., to-morrow.

FRIDAY, December 2nd, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

A message was received from the House informing the Senate, that the House had passed a bill, to incorporate the Houston Hook and Ladder Company No. 1, and Liberty Fire Company No. 2, of the city of Houston.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to validate Headright Certificates, issued by the Su-